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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,070	05/02/2006	Willem Marie Julia Marcel Coene	NL 031290	5027

7590 07/25/2008  
Corporate Patent Counsel  
Philips Electronics North America Corporate  
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Briarcliff Manor, NY 10510

EXAMINER
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KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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07/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/578,070

**Applicant(s)**COENE, WILLEM MARIE JULIA  
MARCEL**Examiner**

MATTHEW G. KAYRISH

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Ex Parte Quayle***

2. This application is in condition for allowance except for the following formal matters:

#### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The abstract of the disclosure is objected to because:

The phrase "...the disturbing non-linear intersymbolinterference is removed..." contains a misspelled word, which should be amended to state "...the disturbing non-linear inter-symbol interference is removed..."

Correction is required. See MPEP § 608.01(b).

#### ***Drawings***

5. Figures 1, 2 and 4 should be designated by a legend such as – Conventional Art-- or –Prior Art-- because only that which is old is illustrated. See

MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Page 9, lines 3-5 mention, with reference to figure 7, item labels 11 & 21, however, figure 7 is missing these labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

7. Claims 1-15 are objected to because of the following informalities:

Claims 1-9 begin by starting with the word "Method". Claim 1 should be amended to begin with "**A** method...". Claims 2-9 should be amended to begin with "**The** method..."

Claims 10-15 are dependent on method claim 1. Claim 10 should be amended to begin with "The method of claim 1, further including a disk drive apparatus..." rather than ending the claim language with its dependency on claim 1. Claim 11 should be amended to begin with "The method of claim 10, further including a disk drive apparatus..." Claims 12, 13 and 15 should be amended to begin with "The method of claim 11, further including a disk drive apparatus..." Claim 14 should be amended to begin with "The method of claim 13, further including a disk drive apparatus..."

Appropriate correction is required.

### ***Allowable Subject Matter***

8. Claims 1-15 are allowed.

Claim 1 is drawn to an independent method claim. Claims 2-9 are drawn to dependent method claims. Claims 10-15 are drawn to disk drive apparatus claims that are intended to perform the method of claim 1, therefore, claims 10-15 have been interpreted to dependent on the method of claim 1 and include all of the method steps of claim 1.

9. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 recites:

A method for reading information from an optical disc comprising:

Controlling the radial position of the optical centre of the focal spot to follow a trajectory located between the two centre lines of two adjacent tracks;

Wherein the radial distance between said trajectory (45; 47) and a first one (13) of said two centre lines (13, 23) differs from the radial distance between said trajectory (45; 47) and the second one (23) of said two centre lines (13, 23).

Claim 10 is drawn to a disk drive apparatus claim that is dependent on an independent method claim. Claim 10 is interpreted to include the allowable method limitations of claim 1, therefore is allowable for the same reasons.

These limitations, in combination with the limitations of the other claims, are neither anticipated, nor rendered obvious by any prior art of record.

The closest reference, Horimai (US Patent Number 5557600), discloses a method of reading two tracks simultaneously with a single beam which recognizes off-center line recording, but discloses a method for re-centering the beam. Isshiki et al (US PG-Pub 2003/0218955), discloses a similar method for reading and writing, but this method places the beam along the center line trajectory.

10. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW G. KAYRISH whose telephone number is (571)272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish  
/M. G. K./  
Examiner, Art Unit 2627  
7/20/2008

***/Brian E. Miller/  
Primary Examiner, Art Unit 2627***